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4 JGX, INC., et al.,
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Plaintiffs,

v.

10 JOHN HANDLEY, et al.,
11 Defendants.

Case No. 17-cv-00287-BLF (SVK)

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10 **ORDER REGARDING DISCOVERY
11 DISPUTE**

Re: Dkt. No. 88

12 On October 22, 2019, the Court held a hearing on the Parties' discovery dispute set forth at
13 Dkt. 88. Upon consideration of the Parties' submission and arguments of counsel and for the
14 reasons set forth at the hearing, the Court ORDERS as follows:

- 15 1. The participation of former-Defendant Singer in communications between the Handlery
16 Defendants and their counsel does not, by itself, preclude the attorney-client privilege or
17 the work-product doctrine. As alleged extensively in the Complaint, Singer was acting as
18 Defendants' agent during the relevant time period prior to the filing of this suit. *See*
19 *Schaeffer v. Gregory Village Partners*, 78 F. Supp. 3d 1198, 1204 (N.D. Cal. 2015).
- 20 2. Plaintiffs' challenge to the Handlery Defendants' privilege log is untimely. The log was
21 served on Plaintiffs in December of 2018 and the challenge to the log was not raised until
22 after the close of discovery in October of 2019.
- 23 3. Plaintiffs' challenge to the Singer privilege log as set forth in Dkt. 88 is not per se
24 untimely.
- 25 4. As directed at the hearing, Defendants submitted documents that were unique to the Singer
26 privilege log (in that they did not appear on the Handlery log) to the Court for an in-camera
27 review. Dkt. 93. The Court has reviewed these documents and finds that they are covered
28 by either attorney-client privilege or the work-product doctrine EXCEPT for the following

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1 documents which the Court preliminarily finds are NOT protected by either privilege:
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- 3 • SINGERPRIV0000001-2;
- 4 • SINGERPRIV0000003;
- 5 • SINGERPRIV0000020-23;
- 6 • SINGERPRIV0000024;
- 7 • SINGERPRIV0000025;
- 8 • SINGERPRIV0000026-28;
- 9 • SINGERPRIV0000081-93;
- 10 • SINGERPRIV0000123-37;
- 11 • SINGERPRIV0000177-80;
- 12 • SINGERPRIV0000185-89;
- 13 • SINGERPRIV0000190-95;
- 14 • SINGERPRIV0000254-59.

15 5. Defendants have until **November 7, 2019** to either (1) produce these documents to
16 Plaintiffs; or (2) submit a confidential brief to the Court, without service on Plaintiffs,
17 setting forth a factual basis for the claim of privilege for any of the documents listed above.

18 **SO ORDERED.**

19 Dated: October 31, 2019

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21 SUSAN VAN KEULEN
22 United States Magistrate Judge

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